

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Randy W. Jenkins,) No. CV12-2095-PHX-SRB (MEA)
) CR06-0464-PHX-SRB

United States of America,

Respondent.

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Movant, Randy W. Jenkins, filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 on October 2, 2012. The United States filed a Motion to Dismiss (doc. 10) on February 11, 2013 requesting that the Court dismiss this action because Movant has failed to keep the Court and counsel apprised of his address.

The Magistrate Judge filed his Report and Recommendation on February 26, 2013 recommending that Respondent's Motion to Dismiss be granted and that Movant's Motion to Vacate, Set Aside, or Correct Sentence be denied and dismissed without prejudice. The Magistrate Judge noted that Movant had been released from custody on November 16, 2012. Movant's copy of the Magistrate Judge's Report and Recommendation was returned by the Post Office with the notation "Return to Sender Unable to Forward."

In his Report and Recommendation the Magistrate Judge advised the parties that they had 14 days from the date of service of a copy of the Report and Recommendation within

1 which to file specific written objections with the Court. The time to file such objections has
2 expired and no objections to the Report and Recommendation have been filed.

3 The Court finds itself in agreement with the Report and Recommendation of the
4 Magistrate Judge.

5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
6 as the order of this Court.

7 IT IS FURTHER ORDERED that Respondent's Motion to Dismiss is granted. (Doc.
8 10).

9 IT IS FURTHER ORDERED that Movant's Motion to Vacate, Set Aside or Correct
10 Sentence is denied and dismissed without prejudice.

11 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.
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13 DATED this 21st day of March, 2013.

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16 Susan R. Bolton
17 United States District Judge
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